

HOME CONFINEMENT

Arrested and charged with possession of a controlled substance with intent to distribute, William, a 30-year-old man with a history of substance abuse, awaits his “day in court,” which is 3 months away.

Meanwhile, William must remain at home, except for a few select activities. During the week, he leaves the house for his job as a welder at precisely 7 a.m. and returns home no later than 5 p.m. He attends the 7 p.m. meeting of Narcotics Anonymous at the local library every Thursday. He grocery shops at 2 p.m. every Saturday and goes to church—always attending the 10 a.m. service—every Sunday.

William is not just on a rigid schedule, he is under home confinement. Instead of sending him to jail, the court decided to release him to the community on the condition that he remain at home except for certain approved activities. His presence in his home and his absences from it are monitored electronically by an ankle bracelet he wears 24 hours a day.

A Supervision Tool

Home confinement is a tool that helps U.S. probation and pretrial services officers supervise, or monitor, defendants and offenders in the community. In the federal courts, home confinement is not a sentence in and of itself but may be a condition of either probation, parole, supervised release, or pretrial release. A person placed under home confinement is confined to his or her residence, usually linked to an electronic monitoring system, and required to maintain a strict daily activity schedule. When the person is allowed to leave home, and for what reasons, is determined case by case.

Home confinement's purpose depends on the phase of the criminal justice process in which it is used. In all cases, it is a means to restrict a person's activity and to protect the public from any threat the person may pose. In pretrial cases,

home confinement is an alternative to detention used to ensure that defendants appear in court. In post-sentence cases, home confinement is used as a punishment, viewed as more punitive than regular supervision but less restrictive than imprisonment. Courts may use home confinement as a sanction for persons who violate the conditions of their supervision. Also, the Federal Bureau of Prisons may use it for inmates released to serve the last part of their sentence under the supervision of U.S. probation officers.

The home confinement program in the federal courts has three components, or levels of restriction. *Curfew* requires the program participant to remain at home every day at certain times. With *home detention*, the participant remains at home at all times except for pre-approved and scheduled absences, such as for work, school, treatment, church, attorney appointments, court appearances, and other court-ordered obligations. *Home incarceration* calls for 24-hour-a-day “lock-down” at home, except for medical appointments, court appearances, and other activities that the court specifically approves.

Home confinement benefits the courts in that it costs much less than incarceration. Moreover, courts may order persons placed under home confinement to pay all or part of electronic monitoring costs. Home confinement also enables defendants and offenders to continue to contribute to the support of their families and pay taxes.

Electronic Monitoring

In most cases, U.S. probation and pretrial services officers use electronic monitoring in supervising persons placed under home confinement. The individual wears a tamper-resistant transmitter on the ankle or wrist 24 hours a day. The transmitter emits a radio frequency signal that is detected by a receiver/dialer unit connected to the home phone. When the

transmitter comes within range of the receiver/dialer unit, that unit calls a monitoring center to indicate that the person is in range, or at home. The person must stay within 150 feet of the receiving unit to be considered in range. The transmitter and the receiver/dialer unit work together to detect and report the times the person enters and exits his or her home. They do not tell where the person has gone or how far he or she has traveled.

The Administrative Office of the U.S. Courts contracts with an electronic monitoring company to provide equipment and around-the-clock electronic surveillance to U.S. probation and pretrial services offices nationwide. The company's monitoring center provides daily reports that document program participants' activities 24 hours a day. It also tracks all key events and reports them promptly to the officers who supervise persons on home confinement. Key events include unauthorized absence from home, failure to return home after an authorized absence, and leaving home early or returning home late.

Key events also may be triggered by equipment malfunctions, tampering with the equipment, and loss of electrical power or phone service. Participants must notify officers immediately if they lose electrical power or phone service, if they remove the transmitter because of an emergency, or if they experience any problems with the monitoring equipment.

Who Participates?

Officers screen defendants and offenders to determine eligibility for the home confinement program. Certain categories of serious or repeat offenders are not allowed to participate. Prior criminal record, history of violence, and medical and mental health conditions and needs are factors that officers carefully consider. Previous failures on supervision, risk to the public that the person presents, third-party risk (such as previous incidents of domestic violence in the household), and the person's willingness to participate are considerations as well.

The residence and telephone service also influence the decision. The cooperation of all occupants of the home is essential. The person in the household who subscribes to phone service must be willing to allow the phone to be used for electronic monitoring purposes, which places restrictions on access to the phone and on special features such as call waiting.

The Officer's Role

Close supervision by officers is a crucial component of the home confinement program. Supervision helps deter further crime, ensure the safety of the community, and bring order to the defendant or offender's life. Officers monitor program participants to ensure that they are working, maintaining a stable living arrangement, and not engaging in prohibited behavior such as substance abuse. Officers also check monitoring equipment at least monthly to make sure that it is working and to look for signs of tampering.

One very useful tool that some officers use in carrying out their supervision duties is a hand-held monitoring unit, called a "drive-by," which can help verify participants' presence at specific locations. This device allows officers, without leaving their cars, to check whether participants are at approved locations such as work, the doctor's office, or church.

The officer's job is demanding, time consuming, and sometimes dangerous. It requires frequent phone calls to make sure participants are adhering to their approved schedules; frequent unannounced, face-to-face visits; and 24-hour, 7-day response to alerts from the monitoring center.

Success or Failure?

For persons placed under home confinement, how well they comply with the conditions set expressly for them determines whether they succeed. Participants who comply with program rules may be eligible to use earned leave. Earned leave is a privilege that allows participants to be away from home for a set time period for approved activities.

Program participants who do not comply with the conditions of their supervision may face sanctions ranging from reprimand, to loss of earned leave privileges, to revocation proceedings. The most serious violations include violations for new criminal conduct, violations that compromise public safety, and absconding from supervision. Violations that concern the home confinement program in particular include not adhering to the approved leave schedule, going to an unapproved location or activity, and tampering with equipment.